

Fill in this information to identify your case:				Check one box only as directed in this form and in Form 122A-1Supp:	
Debtor 1	Rafael	Mena, III		<input checked="" type="checkbox"/>	1. There is no presumption of abuse.
	First Name	Middle Name	Last Name		
Debtor 2	Gabriela	Eleonora	Mena	<input type="checkbox"/>	2. The calculation to determine if a presumption of abuse applies will be made under Chapter 7 Means Test Calculation (Official Form 122A-2).
(Spouse, if filing)	First Name	Middle Name	Last Name		
United States Bankruptcy Court for the: SOUTHERN DISTRICT OF TEXAS					
Case number (if known)	20-20282				
				<input type="checkbox"/>	3. The Means Test does not apply now because of qualified military service but it could apply later.
				<input type="checkbox"/>	Check if this is an amended filing

Official Form 122A-1

Chapter 7 Statement of Your Current Monthly Income

04/20

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file Statement of Exemption from Presumption of Abuse Under § 707(b)(2) (Official Form 122A-1Supp) with this form.

Part 1: Calculate Your Current Monthly Income

1. What is your marital and filing status? Check one only.

- ☐ **Not married.** Fill out Column A, lines 2-11.
- ☒ **Married and your spouse is filing with you.** Fill out both Columns A and B, lines 2-11.
- ☐ **Married and your spouse is NOT filing with you. You and your spouse are:**
- ☐ **Living in the same household and are not legally separated.** Fill out both Columns A and B, lines 2-11.
- ☐ **Living separately or are legally separated.** Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	<u>\$6,722.27</u>	<u>\$0.00</u>
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	<u>\$0.00</u>	<u>\$0.00</u>
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	<u>\$0.00</u>	<u>\$0.00</u>

Debtor 1 **Rafael Mena, III**
 Debtor 2 **Gabriela Eleonora Mena**

Case number (if known) **20-20282**

Column A
Debtor 1

Column B
Debtor 2 or
non-filing spouse

5. Net income from operating a business, profession, or farm

	Debtor 1	Debtor 2		
Gross receipts (before all deductions)	<u>\$0.00</u>	<u>\$0.00</u>		
Ordinary and necessary operating expenses	— <u>\$0.00</u>	— <u>\$0.00</u>		
Net monthly income from a business, profession, or farm	<u>\$0.00</u>	<u>\$0.00</u>	Copy here →	<u>\$0.00</u> <u>\$0.00</u>

6. Net income from rental and other real property

	Debtor 1	Debtor 2		
Gross receipts (before all deductions)	<u>\$0.00</u>	<u>\$0.00</u>		
Ordinary and necessary operating expenses	— <u>\$0.00</u>	— <u>\$0.00</u>		
Net monthly income from rental or other real property	<u>\$0.00</u>	<u>\$0.00</u>	Copy here →	<u>\$0.00</u> <u>\$0.00</u>

7. Interest, dividends, and royalties

\$0.00 \$0.00

8. Unemployment compensation

\$0.00 \$0.00

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:↓

For you..... \$0.00

For your spouse..... \$0.00

9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act. Also, except as stated in the next sentence, do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.

\$0.00 \$0.00

10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act; payments made under the Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID-19); payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism; or compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below.

Total amounts from separate pages, if any.

+ _____ + _____

Debtor 1 **Rafael Mena, III**
 Debtor 2 **Gabriela Eleonora Mena**

Case number (if known) **20-20282**

Column A
Debtor 1

Column B
Debtor 2 or
non-filing spouse

11. Calculate your total current monthly income.

Add lines 2 through 10 for each column.

Then add the total for Column A to the total for Column B.

\$6,722.27	+	\$0.00	=	\$6,722.27
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Total current
monthly income

Part 2: Determine Whether the Means Test Applies to You**12. Calculate your current monthly income for the year.** Follow these steps:

12a. Copy your total current monthly income from line 11.....**Copy line 11 here** → 12a. **\$6,722.27**

Multiply by 12 (the number of months in a year).

X 12

12b. The result is your annual income for this part of the form.

12b. **\$80,667.24****13. Calculate the median family income that applies to you.** Follow these steps:

Fill in the state in which you live.

Texas

Fill in the number of people in your household.

6Fill in the median family income for your state and size of household..... 13. **\$104,259.00**

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

14. How do the lines compare?

14a. ☒ Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse.* Go to Part 3. Do NOT fill out or file Official Form 122A-2.

14b. ☐ Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2.* Go to Part 3 and fill out Form 122A-2.

Part 3: Sign Below

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

X /s/ Rafael Mena, III

Rafael Mena, III, Debtor 1

X /s/ Gabriela Eleonora Mena

Gabriela Eleonora Mena, Debtor 2

Date **8/31/2020**

MM / DD / YYYY

Date **8/31/2020**

MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A-2.

If you checked line 14b, fill out Form 122A-2 and file it with this form.

Current Monthly Income Calculation Details

In re: **Rafael Mena, III**
Gabriela Eleonora Mena

Case Number: **20-20282**
 Chapter: **7**

2. Gross wages, salary, tips, bonuses, overtime and commissions.

Debtor or Spouse's Income	Description (if available)						
	6 Months Ago	5 Months Ago	4 Months Ago	3 Months Ago	2 Months Ago	Last Month	Avg. Per Month
Debtor	<u>XPO Logistics Supply Chain, LLC</u>						
	\$6,088.04	\$6,088.03	\$6,073.35	\$6,862.51	\$6,250.31	\$8,971.36	\$6,722.27

Underlying Allowances (as of 08/31/2020)

In re: **Rafael Mena, III**
Gabriela Eleonora Mena

Case Number: **20-20282**
Chapter: **7**

Median Income Information	
State of Residence	Texas
Household Size	6
Median Income per Census Bureau Data	\$86,259.00 + (2 x \$9,000.00) = \$104,259.00

National Standards: Food, Clothing, Household Supplies, Personal Care, and Miscellaneous	
Region	US
Family Size	6
Gross Monthly Income	\$6,722.27
Income Level	Not Applicable
Food	\$947.00
Housekeeping Supplies	\$71.00
Apparel and Services	\$251.00
Personal Care Products and Services	\$88.00
Miscellaneous	\$383.00
Additional Allowance for Family Size Greater Than 4	\$756.00
Total	\$2,496.00

National Standards: Health Care (only applies to cases filed on or after 1/1/08)	
Household members under 65 years of age	
Allowance per member	\$56.00
Number of members	0
Subtotal	\$0.00
Household members 65 years of age or older	
Allowance per member	\$125.00
Number of members	0
Subtotal	\$0.00
Total	\$0.00

Local Standards: Housing and Utilities	
State Name	Texas
County or City Name	Nueces County
Family Size	Family of 5 or more
Non-Mortgage Expenses	\$749.00
Mortgage/Rent Expense Allowance	\$1,343.00
Minus Average Monthly Payment for Debts Secured by Home	\$0.00
Equals Net Mortgage/Rental Expense	\$1,343.00
Housing and Utilities Adjustment	\$0.00

Underlying Allowances (as of 08/31/2020)

In re: **Rafael Mena, III**
Gabriela Eleonora Mena

Case Number: **20-20282**
 Chapter: **7**

Local Standards: Transportation; Vehicle Operation/Public Transportation		
Transportation Region	South Region	
Number of Vehicles Operated	2 or more	
Allowance	\$386.00	
Local Standards: Transportation; Additional Public Transportation Expense		
Transportation Region	South Region	
Allowance (if entitled)	\$224.00	
Amount Claimed	\$0.00	
Local Standards: Transportation; Ownership/Lease Expense		
Transportation Region	South Region	
Number of Vehicles with Ownership/Lease Expense	1	
	First Car	Second Car
Allowance	\$521.00	
Minus Average Monthly Payment for Debts Secured by Vehicle	\$0.00	
Equals Net Ownership / Lease Expense	\$521.00	